

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Jane Does 1-9,
Plaintiffs,
vs.
Collins Murphy, et al.,
Defendants.

Case No.: 7:20-cv-00947

SUPPLEMENTAL DECLARATION OF MARDIROS HALADJIAN

Mardiros Haladjian being duly sworn, does hereby depose and state:

1. My name is Mardiros Haladjian. Unless otherwise stated, I make this affidavit of my own personal knowledge, which includes information that I have collected from corporate records and/or information from others at Hammy Media with knowledge of the relevant facts.
2. I am a Director of Hammy Media, Ltd. ("HML"). HML operates the xhamster.com website (the "Website").
3. The Website does not use Cloudflare for CDN purposes. Rather, the Website uses Cloudflare for DNS services -- which has nothing to do with the hosting or speeding of content.
4. The Website utilizes three European companies for provision of CDN services. One of these three companies is Lumen Technologies Europe Limited (which is also known as Level3 or CenturyLink).
5. All interactions that HML has had with Lumen Technologies Europe Limited ("Lumen") have been with Lumen's offices in the United Kingdom.

6. The invoices that Lumen issues to HML are issued from Lumen's United Kingdom office.

7. Lumen has servers located around the world, and HML engages Lumen for CDN services worldwide, not just the United States.

8. Lumen charges HML less for CDN services to users in North America (which, incidentally, includes more than just the United States) than it does for other parts of the world such as Latin America and Asia Pacific regions.

9. The Website's Terms and Conditions page is located at:
<https://xhamster.com/info/terms>.

10. Section 6.2.3 of the Terms and Conditions provides that an uploader of content must "have the written consent, release, and/or permission of each and every identifiable person in [the] submission to use the name or likeness of each individual for use in [the] submissions in the manner contemplated by these Terms and Conditions and you are also authorized to provide their ID documents for co-performer verification as required by the Creators' Program Agreement."

11. Section 5.2.2 of the Terms and Conditions prohibits the uploading of any submission that is (among other things) "unlawful, harmful, threatening, abusive, harassing, tortious, defamatory, libelous, [or] invasive of another's privacy...."

Age/Identity Verification Process

12. HML now requires that every person uploading a video to the Website must register and go through an age and identity verification process, which is described as follows. (This process is not required for viewers of videos on the website).

13. Prior to uploading content to the Website, the individual attempting to upload a video must provide HML with a copy of his or her passport (or other official identification document) and a selfie.

14. HML then uses these documents to complete age and identity verification utilizing a third-party verification process through websites such as Yoti.com or Jumio.com. Following this, a member of HML's Moderation Team/Support Team manually double checks the information and documentation received and presented for verification. At this point, if all of the verification stages have been met, the individual's "creator application" is approved.

15. Content uploaders also execute an agreement with HML where the creator is paid a percentage of when website visitors view his or her video. This is HML's business model: the sharing of legal and consensual adult entertainment for the benefit of both HML and the content creators.

16. The video uploaded to the Website entitled "Young girl changing clothes in the locker room after school" was given this title by the individual who uploaded the video. HML did not alter or modify this title.

17. The individual who uploaded the video referenced in the preceding paragraph had to provide HML with a copy of her passport and a selfie.

18. HML then completed age and identity verification with respect to this individual utilizing a third-party verification process through the website Jumio.com.

19. This content creator also executed an agreement whereby she is paid a percentage of ad revenues when website visitors view her video.

20. HML maintains a similar, but slightly different verification process for content produced by studios.

21. Once an approved and verified creator/uploader attempts to post a video, there are additional steps before the video is allowed to go live on the Website, which is described as follows.

22. First, HML's moderation team checks the proposed video to make sure that the content is generally acceptable for publication (for example, that the video does not appear to include any underage individuals).

23. Next, both the moderation team and the support team work to ensure that the creator of the video has provided a model release for every performer in the video and an identification document for each person in the video sufficient to verify the performer's age.

24. Only when all of these steps described herein have been completed does a video go live on the Website.

25. It is my understanding that the Website is one of very few adult websites to implement such rigorous screening procedures.

26. HML has a zero-tolerance policy for the posting of child exploitation materials. xHamster is an Approved Guardian of ASACP, (the Association of Sites Advocating Child Protection), which means that ASACP continually monitors the Website with the organization's Code of Ethics, and that HML actively supports ASACP's mission of eliminating child exploitation materials from the Internet.

Signed under the pains and penalties of perjury this 10th day of March, 2023.



Mardiros Haladjian
Director of Hammy Media Ltd.